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December 14, 2000 (continued from December 7, 2000)

**FROM:** P&DSD/Current Planning Services Division

**SUBJECT:** Public Hearing for Planning Application PA00-0055 for Use Permit

**PROPOSAL:** Use Permit request to allow the construction of a 110' tall antenna

structure, which would have 3 arrays of antennae at roughly 70', 85', and 100' off the ground, [totaling 30 panel and 12 omnidirectional (whip) antennae] plus 4 microwave dish antennae at roughly 65' off the ground. A maximum number of users would be 15 providers of various services, such as cellular and paging. It would be located adjacent to an existing 35' tall water tank operated by the Irvine Ranch Water District. In addition, two equipment cabinets and two equipment sheds up to 8' tall will be constructed within a new enclosure with block retaining walls up to 19' tall graded into the side of an existing landscape berm. Mature eucalyptus trees up to 65'in height are present in scattered locations on the berm. The

operator lease area is 50' x 50'.

**LOCATION:** In the north Irvine area at 13826 Sand Canyon Avenue, Third

Supervisorial District.

**APPLICANT:** Mountain Union Telecom, Operator

Irvine Ranch Water District, Owner

Moss & Associates, Agent

**SYNOPSIS:** Current Planning Division recommends Zoning Administrator approval

subject to findings and conditions.

STAFF PLANNER/CONTACT: Jim Swanek, Project Manager

Phone: (714) 834-2626, FAX: (714) 834-4772

#### **BACKGROUND:**

On October 26, 2000, a public hearing was conducted by the Orange County Zoning Administrator on the subject application. At the hearing, correspondence in opposition to the project from the North Irvine Villages Association and Irvine Company was discussed. The Zoning Administrator continued the hearing to November 9, 2000 to provide an opportunity for the applicant to discuss the concerns of the Irvine Company with them. At the hearing of November 9, staff noted that the City of Irvine was also now on record in opposition to the project. The Zoning Administrator then continued the hearing to December 7, 2000, in order for the applicant to work with those parties who had expressed concern.

At the hearing of December 7, the Irvine Company representative indicated that they had reached tentative agreement with the applicant on a new design of a pole with a decreased height. The North Irvine Villages Association communicated telephonically to indicate they would support a design jointly supported by the Irvine Company and the City of Irvine. Noting that the City of Irvine had not expressed its support of the new design, formally or otherwise, the Zoning Administrator continued the item until this date, December 14, 2000, to see if all interested parties could express definitive support for a new design.

On December 11, 2000 the applicant submitted a package of revised plans and a revised project description. The project now consists of: an unmanned, co-located wireless telecommunications facility for multiple carriers, including one- and two-way paging, narrow/wide-band personal communications services ("PCS"), two-way "Smart Mobile" radio/dispatch, data transmission, digital radio, wireless internet and emergency/public services. The physical project description is as follows:

- · One 82-ft. tapered steel monopole, total height including antennas not to exceed 82 ft.;
- Twelve 1-ft. x 4-ft. x 6-in. panel antennas mounted on the monopole at a height of 80 ft.;
- · Six 8-ft. whip antennas mounted "down" at 82 ft.;
- · Sixteen panel antennas and six 8-ft. whip antennas mounted "down" at 72 ft.;
- · Twelve panel antennas at 62 ft.;
- Twelve panel antennas at 52 ft.;
- · Four microwave dishes, not to exceed 4-ft. dia., at 45 ft.;
- · Two 11-ft. x 20-ft. prefabricated one-story equipment shelters;
- Two 11-ft x 20-ft concrete equipment pads to support Base Transceiver Station equipment cabinets; and
- · Selective cutting and/or topping of trees near the proposed project to facilitate radio transmission from this antenna height. Trees along Sand Canyon Ave. that provide natural screening from the public right-of-way will remain untrimmed.

Temporary Installation (Nextel): The Applicant also now requests that a temporary facility consisting

of a 10-ft. x 20-ft. equipment shelter, 50-ft. tall antenna mast, and three antennas be placed and

operated on the same site until completion of construction of the proposed monopole to provide

limited immediate radio service from this location. The temporary facility will be completely removed

upon installation of Nextel equipment on the permanent facility.

**ADDITIONAL INFORMATION**: As of the time of preparation of this report, staff had not received correspondence from the City of Irvine in support of the revised project description.

### RECOMMENDATION

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 00-0055 subject to the previously recommended Findings and Conditions of Approval.

Respectfully submitted,	
C.M. Shoemaker, Chief	
CPSD/Site Planning Section	

## **APPEAL PROCEDURE**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

Attachments:

**Revised Project Description** 

**DATE:** November 9, 2000 (continued from October 26, 2000)

**FROM:** P&DSD/Current Planning Services Division

**SUBJECT:** Public Hearing for Planning Application PA00-0055 for Use Permit

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operator lease area is 50' x 50'.

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Supervisorial District.

**APPLICANT:** Mountain Union Telecom, Operator

Irvine Ranch Water District, Owner

Moss & Associates, Agent

**SYNOPSIS:** Current Planning Division recommends Zoning Administrator approval

subject to findings and conditions.

**STAFF PLANNER/CONTACT:** Jim Swanek, Project Manager

Phone: (714) 834-2626, FAX: (714) 834-4772

#### **BACKGROUND:**

On October 26, 2000, a public hearing was conducted by the Orange County Zoning Administrator on the subject application. A staff report was presented the Zoning Administrator (see Attachment 1). At the hearing, staff indicated that since that staff report had been completed, correspondence had been received from the North Irvine Villages Association (Attachment No. 2) and Irvine Company (Attachment No. 3).

Agents for the applicant, Moss and Associates, made a presentation. David Recupero, agent for the Irvine Company, made a presentation reiterating the Company's opposition, with the new information that they had been in contact with the applicant since a time prior to the application to the County. He stated the Irvine Company was mainly concerned with the height of the monopole. Mr. Recupero stated that when Sand Canyon road is annexed into the City of Irvine, the project site would be located on a scenic highway, and would not comply with that element of the City's General Plan.

The Zoning Adminstrator asked if three monopoles would be able to accommodate the same services as one 110 foot pole, and continued the hearing to this date in order to provide an opportunity for the applicant to discuss the concerns of the Irvine Company with them. He asked that the applicant be prepared to give answers on the feasibility of a 3 pole project, where each pole would be on the order of 65' in height.

Staff has since had telephonic communication with staff of the City of Irvine Planning Department. They indicated a reappraisal on the project. The City now opposes the project. The City staff indicated that a letter would be forthcoming, confirming their opposition to the project, and also indicating the nature of possible alternatives which the City could support. Said letter has not yet been received.

## **RECOMMENDATION**

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Current Planning Services Division recommends the Zoning Administrator:

- c. Receive staff presentation and public testimony as appropriate; and,
- d. Approve Planning Application PA 00-0055 subject to the attached Findings and Conditions of Approval.

Respectivity submitted,	
C.M. Shoemaker, Chief	
CPSD/Site Planning Section	

**DATE:** October 26, 2000

**FROM:** P&DSD/Current Planning Services Division

**SUBJECT:** Public Hearing for Planning Application PA00-0055 for Use Permit

**PROPOSAL:** Use Permit request to allow the construction of a 110' tall antenna structure, which

would have 3 arrays of antennae at roughly 70', 85', and 100' off the ground, [totaling 30 panel and 12 omnidirectional (whip) antennae] plus 4 microwave dish antennae at roughly 65' off the ground. A maximum number of users would be 15 providers of various services, such as cellular and paging. It would be located adjacent to an existing 35' tall water tank operated by the Irvine Ranch Water District. In addition, two equipment cabinets and two equipment sheds up to 8' tall will be constructed within a new enclosure with block retaining walls up to 19' tall graded into the side of an existing landscape berm. Mature eucalyptus up to 65'in height are present in scattered locations on the berm. The operator lease area is 50'

x 50'.

**LOCATION:** In the north Irvine area at 13826 Sand Canyon Avenue, Third Supervisorial

District.

**APPLICANT:** Mountain Union Telecom, Operator

Irvine Ranch Water District, Owner

Moss & Associates, Agent

**SYNOPSIS:** Current Planning Division recommends Zoning Administrator approval subject to

findings and conditions.

**STAFF PLANNER/CONTACT:** Jim Swanek, Project Manager

Phone: (714) 834-2626, FAX: (714) 834-4772

#### **BACKGROUND:**

The Irvine Ranch Water District "Zone 1 Reservoir" site is improved with a 35 feet high, 300 foot diameter water storage tank. This facility was developed by the District under their own planning, environmental review, and development authority for water storage, transmission and treatment facilities. Such authority is an element of state law. For projects on water district land unrelated to these uses, the authority for planning, environmental review and permitting reverts to the County in this unincorporated area.

## **SITE ZONING AND SURROUNDING LAND USE:**

The site is located in the north Irvine area, near the City of Irvine. This area is County-zoned General Agriculture, and the project is thus subject to the site development standards of the A1 "General Agricultural" District of the Zoning Code. The County's General Plan shows a land use designation of "Open Space".

The proposed project is classified as a principal use and is permitted subject to approval of a Site Development Permit. However, since the proposed structure greatly exceeds the District height limit (35' for buildings), a Use Permit heard by the Zoning Administrator is required per Section 7-9-129.2 of the County Zoning Code.

### **CEQA COMPLIANCE:**

The proposed project is covered by a Negative Declaration which became final on August 7, 2000. No mitigation measures were included, although reference was made to "sky-blending color(s) and non-metallic/non-glare finishes being used on the monopole and antennae" as part of the project description itself. Prior to project approval, the decision-maker must conclude that this ND is adequate to satisfy the requirements of CEQA for the proposed project.

## **PUBLIC NOTICES AND COMMENTS RECEIVED:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to the City of Irvine, the Orange County Fire Authority, Sheriff's Communications, the El Toro Reuse Authority, and 4 County sections.

## **REVIEW AND ANALYSIS:**

The proposed facility consists of a 110' tall antenna structure, which would have 3 arrays of antennae at roughly 70', 85', and 100' off the ground, [totaling 30 panel and 12 omnidirectional (whip) antennae] plus 4 microwave dish antennae at roughly 65' off the ground. It would be located adjacent to an existing 35' tall water tank operated by the Irvine Ranch Water District. In addition, two equipment cabinets and two equipment sheds up to 8' tall will be constructed within a new enclosure with block retaining walls up to 19' tall graded into the side of an existing landscape berm. Mature eucalyptus up to 65' in height are present in scattered locations on the berm. The operator lease area is 50' x 50'.

The site to some extent overlooks the Eastern Transportation Corridor. It has been suggested that the County General Plan Land Use Element Land Use Designation of "Open Space" for this site may be viewed in the context of language in the Open Space Element, which suggests that uses serving a regional benefit without growth-inducing impacts may be found compatible. The Transportation Element indicates that Sand Canyon Avenue is a "candidate" scenic highway. Staff is of the opinion that, if this site was

already designated as a scenic highway located in a General Plan Open Space area, the project could not be found compatible with the County General Plan.

At the same time, it is realistic to note that this area will eventually be annexed to the City of Irvine and developed by City planning policy. In that context, the County's General Plan and Zoning for this area might reasonably be viewed as transitional. The City's pre-zoning shows future "Multi Use" approximately 1,000' from the site, which could include residential uses. No specific development proposals are known at this time.

When completed, the tower will inevitably be visible from many future developments as the area is annexed to the City of Irvine and developed. There is a eucalyptus window along Sand Canyon, which provides some screening additional to that in the immediate area of the proposed tower. It is City of Irvine policy that these windrows be preserved indefinitely as an aesthetic theme for the City. Thus, it is reasonable to assume that the limited screening function of these trees will continue. The City has not chosen to oppose the application.

The water tank's pad elevation is 265'; the elevation for the proposed antennas is 375'. This is 150' below the "horizontal control surface" for the proposed airport at El Toro. Although this should create no concern, the applicant will still be required as a condition of approval to obtain an approved "Notice of Alteration" from the Federal Aviation Administration office in Los Angeles County, prior to issuance of building permits.

The applicant is not a direct provider of telecommunications services. Rather, Mountain Union is a "provider" of "professionally managed co-located facilities for multiple wireless service providers to locate and operate equipment". Mountain Union has a number of parties interested in signing sub-let agreements with them, upon approval of this application. A maximum number of users would be 15 providers of various services, such as cellular and paging.

Staff is concerned that the facility's location in General Plan-designated open space and the considerable height of the tower could result in impacts that are not justified by a speculatively-built structure without service providers already contracted to provide a regional benefit to the community. Thus, staff is recommending a condition requiring that, prior to issuance of building permits, at least three leases for the panel arrays involved in the full 110' height of the tower be finalized. This would also allow the decision-maker to find that a "regional benefit" was actually being created, allowing the use in a General Plan Open Space area.

### **RECOMMENDATION**

Current Planning Services Division recommends the Zoning Administrator:

- e. Receive staff presentation and public testimony as appropriate; and,
- f. Approve Planning Application PA 00-0055 subject to the attached Findings and Conditions of Approval.

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Respectfully submitted,

C.M. Shoemaker, Chief CPSD/Site Planning Section